

## **DECLARATION OF MICHAEL CHU'DI EJEKAM**

I, Michael Chu'di Ejekam, declare under penalty of perjury, pursuant to the laws of the United States of America, specifically 28 U.S.C. 1746, as follows:

1. I am a named plaintiff in two actions pending in U.S. District Court for the Southern District of New York, bearing docket numbers 10-cv-3959 and 13-cv-3905.
2. I am a member of a certain two Bayrock limited liability companies that are nominal defendants in those actions, and have sued derivatively in their behalf.
3. I am aware an order was issued in the 10-cv-3905 matter on February 24, 2014 (entered February 25, 2014) directing the filing of the complaint by March 25<sup>th</sup>, 2014.
4. I am also aware that on that date, my attorney requested an adjournment due to the state court filing of a complaint in behalf of Sal Lauria by attorneys Mobargha and Beys against co-plaintiff Jody Kriss, *Lauria v. Kriss* (N.Y. Sup. Ct. 152324/14). The court granted an extension until April 7, 2014.
5. I am also aware that, on or about the time of the filing of the *Lauria* action, a campaign of smears and threats was commenced against Kriss, its methods and means including the use of websites named, e.g., *jodykrisstheif.com* though owned, not by Kriss interests, to publish and republish the allegations of the *Lauria* complaint and other libel; the transmission of emails to all of the hundreds of attorneys at Jody Kriss's father's law firm Strook Strook & Lavan, stating the same; the transmission of similar documents to Kriss's colleagues, co-workers, and customers; the anonymous purchase of ads in trade journals; the use of PR Newswire to disseminate the same and similar throughout the world; and the use of purported (in one case at least, actual) investigators to call and visit Kriss's colleagues and customers, telling them Kriss was under investigation in connection with these federal lawsuits and "they would be next."
6. On Saturday, April 5th, two days before the complaint in the 13-cv-3905 case was scheduled for filing, the following email was sent to me. Though it bore the sender name

6. On Saturday, April 5th, two days before the complaint in the 13-cv-3905 case was scheduled for filing, the following email was sent to me. Though it bore the sender name “jkrissinfo@gmail.com,” it obviously was not sent by co-plaintiff Kriss, as the text of the email makes plain and as Kriss himself has confirmed to me:

**From:** Jody Info [mailto:[jkrissinfo@gmail.com](mailto:jkrissinfo@gmail.com)]  
**Sent:** 05 April 2014 17:02  
**To:** Michael Chu'di Ejekam  
**Subject:** Fwd: Jody Kriss

**Dear Michael Chu'Di Ejekam,**

**By Monday, Fred has to finalize this absurd extortion of a law-suit against the largest people, companies and law firms in real estate.**

**If on monday your name remains part of this extortion, you will only have yourself to blame.**

**See your friend and co-plaintiffs' new lifetime online reality. If you choose to continue with this extortion, It will also be your new online reality for the rest of your life, you can explain to people why these companies owe you**

**\$1 BILLION DOLLARS.**

**This is your one and only warning.**

**[www.jodykriss.net](http://www.jodykriss.net)**

7. The email contained the attachments following this declaration, one the initial coversheet of this case, the other a list of websites caused to republish the Kriss libels.

8. In addition, at same time that same email was transmitted to numerous employee, and senior officers in multiple international offices of the private equity investment fund with which I work; including by unauthorized use of the internal email system, by obtaining the internal ID necessary to cause my employer's own email system to rebroadcast the same internationally. Such broadcast has already caused professional reputational problems for me at my current employer.

10. Moreover, I am aware that at least one other former employee of Bayrock has sworn under oath that his personal safety was threatened if he told what he knew.

11. Accordingly and frankly entirely foreseeably I was also in fear for my safety, the safety of my family, and the safety of Kriss, counsel, and their families.

12. And at the same time, I was well aware of my fiduciary duty to as the derivative plaintiff to pursue such as a derivative party.

13. Therefore, on Monday, April 7th, I asked my counsel to advise the court that I was under such threat and intimidation, believing the Court would order immediate hearings when such report came from one of its officers under oath. Even in Nigeria, where I reside with dual US/Nigeria citizenship, such witness tampering would be taken up immediately, and it seemed inconceivable the same would not be true in the United States.

14. With all respect, I refuse to litigate under such circumstances, because, whatever it would be, it would not be the due administration of justice. And I refuse to believe the Court is telling me I have to do so and it has no interest in assuring otherwise; frankly I expect, and to be honest demand, greater efforts at protecting me be afforded me by this court, the Marshal service, and FBI all the more given that the threats against me are actually real.

I repeat under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 1, 2014.



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Michael Chu'di Ejekam